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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,025	09/18/2003	Thomas Alan Bjork	ROC920030240US1	9122

7590 03/14/2005

Leslie J. Payne  
IBM Corporation - Dept. 917  
3605 Highway 52 North  
Rochester, MN 55901

EXAMINER
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OLSON, JASON C

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/667,025

Applicant(s)

BJORK ET AL.

Examiner

Jason C Olson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,9 and 14 is/are rejected.
- 7) ☒ Claim(s) 5-8,10-13 and 15-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

*Claim Objections*

Claims 1, 9, and 14 are objected to because of the following informalities: undefined acronym. The acronym I/O needs to be defined. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 9, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Willson et al. (US 5,983,318), hereafter Willson.

Regarding claim 1, Willson teaches monitoring I/O requests to the robotic media library (see col. 7, ln. 67-col. 8, ln. 7), gathering performance statistics for said I/O requests to the robotic media library (see col. 6, ln. 34-39 and col. 8, ln. 7-15) and periodically checking said gathered performance statistics to determine a change value needed for the media dismount time (see col. 10, ln. 1-6, col. 14, ln. 56-65, and col. 15, ln. 9-41).

Regarding claim 2, Willson teaches monitoring I/O requests to the robotic media library includes the step of maintaining an I/O operations count (see col. 10, ln. 58-61).

Regarding claim 3, Willson teaches gathering performance statistics includes the steps of maintaining a media hit count where a data storage medium (DSM) for said I/O request is in a robotic media drive (see col. 7, ln. 67-col. 8, ln. 7; it is interpreted by the examiner that the user statistics include media hits).

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Regarding claim 4, Willson teaches maintaining a media near miss count where said DSM for said I/O request is in transit from said robotic media drive see col. 7, ln. 67-col. 8, ln. 7; it is interpreted by the examiner that the user statistics include near misses).

Regarding claim 9: apparatus claim 9 is drawn to the apparatus corresponding to the method of using same as claimed in claims 1-4. Therefore apparatus claim 9 corresponds to method claims 1-4 and is rejected for the same reasons of anticipation as used above.

Regarding claim 14: program claim 14 is drawn to the program corresponding to the method of using same as claimed in claims 1-4. Therefore program claim 9 corresponds to method claims 1-4 and is rejected for the same reasons of anticipation as used above.

#### ***Allowable Subject Matter***

Claims 5-8, 10-13, and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art fails to teach alone or in combination periodically checking the gathered performance statistics to determine the change value needed for the media dismount time includes the step of identifying a first threshold number of I/O requests, checking said gathered performance statistics to determine if an increase is needed for the media dismount time.

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*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hartung et al. (36, 286) is cited for preemptive demount in an automated storage library.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason C Olson whose telephone number is (571)272-7560. The examiner can normally be reached on Monday thru Thursday 7:30-5:30; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Hudspeth can be reached on (571)272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JCO  
March 1, 2005



  
DAVID HUDSPETH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600